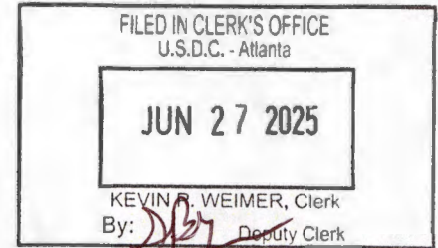


**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**



**JAMES BUSSEY**

Plaintiff,

**Civil Action No: 1:25-CV-2624-VMC**

**V.**

**DELTA COMMUNITY**

**CREDIT UNION,**

Defendant,

**PLAINTIFF'S AMENDED MOTION TO DECLARE VEHICLE  
DEBT WAS VOID AND CORRECT THE DATE OF SERVICE AS  
WELL AS OTHER CORRECTIONS:**

*{Violations of TILA Rescission, Due Process, and unlawful  
Repossession}*

**TO THE HONORABLE COURT:**

**COMES NOW**, James Bussey plaintiff, moves this  
Court to **declare the vehicle debt void under 15 U.S.C.  
Subsection 1635 {f} {TRUTH IN LENDING ACT} and 12 cfr  
1026.23{b} {Regulation z}** due to the defendant's failing to fully

disclose the so call contract and failure to honor rescission within **20 days of notice {06/05/2024}**.

**Plaintiff states:**

- 1. Unlawful repossession without a court order {5<sup>th</sup>/14<sup>th</sup> Amendment Due Process violation}.**
- 2. Repo company lack of state registration {constituting auto theft under GEORGIA law.**

## **LEGAL ARGUMENT**

### **1. Debt is VOID Under Rescission {15 U.S.C. SUBSECTION 1635 {F}}**

-Plaintiff exercised right to rescind the loan contract on **06/05/2024** due to:

-**Failure to provide clear TILA disclosures {15 U.S.C. Subsection 1635 {A}}**

-**Defendant ignored rescission notice {violating 12 cfr 1026.23 {b}}.**

- **TILA mandates automatic voiding of security interest if creditor fails to respond within 20 days . {THE SUPREME COURT RULED THAT NO COURT HEARING IS NEEDED TO RESCIND A CONTRACT IN 2015}** Plaintiff sent a rescission letter on **06/05/2024** with still no response from Delta Community Credit Union to date. **{JULY 1<sup>ST</sup> 2025}**

- **Remedy:** Court must cancel debt {Belini v. Wash, Mut Bank, 412 F. 3d 17 {1<sup>st</sup> Cir, 2005}}

### **2. Due Process Violation {5<sup>th</sup>/14<sup>th</sup> Amendment}**

-Defendant repossessed **plaintiff's vehicle without a court** order, violating:

-**Due Process Clause** {Fuentes v. Shevin, 407 U.S. 67 {1972}  
Creditors **cannot seize property** without a hearing.

-**Admission by Defendant's attorneys** in defendant's last motion **DEFENDANT'S INITIAL DISCLOSURES** proves violation.

3. Defendant's attorneys admitted they illegally repoed the plaintiff vehicle without a court hearing or court order, which is not only theft but it also violates plaintiff's constitutional rights as well.

#### **4. Repo Company Lack Registration = Auto Theft**

-Plaintiff check **SECRETARY OF STATE** website and found no registration for **PAR NORTH AMERICA**.

-**CASE LAW** : Mbank El Paso v. Sanchez {836 S.W. 2D 151 {TEX,1992}- **UNLICENSED REPO = CONVERSION {THEFT}**.

#### **PRAYERS FOR RELIEF**

1. Declare the vehicle debt **VOID** under TILA rescission

Respectfully Submitted,

James Bussey

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404-993-3925

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June 27th 2025

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this motion was served on Defendant's counsel thru certified mail on June 27th 2025

James Bussey

